

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, October 2, 2013

CALL TO ORDER: 7:00 pm by Vice-Chair Petershagen

MEMBERS PRESENT: Vice-Chair Gary Petershagen, Pam Barnet, Tom Matlack, Jennifer Davis and Sammie Thurber

MEMBERS ABSENT: Chair Janice Huxford and Linda Hoult

STAFF PRESENT: Principal Planner Karen Watkins, Senior Planner Russ Wright, and Planning/Public Works Coordinator Georgine Rosson

OTHERS PRESENT: None

Excused Absence: Commissioner Barnet motioned to excuse Chair Huxford and Commissioner Hoult, Commissioner Thurber second, motion passed 5-0-0-2.

Guest Business: None

Action Items:

Approval of Minutes from July 17, 2013: Commissioner Thurber motioned to approve minutes, Commissioner Matlack second, motion passed 5-0-0-2.

Discussion Items:

I-502 Marijuana Regulations – Principal Planner Karen Watkins and Senior Planner Russ Wright

Principal Planner Watkins began the presentation by stating the Washington State Liquor Control Board released revised draft regulations on September 4, 2013 that outline the rules for licensing the production, processing and sales of marijuana and marijuana products. These draft regulations incorporate recommendations from the memorandum issued by the federal government on August 29, 2013 outlining the federal government's guidance on marijuana enforcement. The guidance memorandum does not change federal law; but implies that marijuana businesses that abide by state regulations that conform to the federal enforcement priorities may not be subject to federal prosecution. Council approved Ordinance No. 900 enacting a six-month moratorium on August 21, 2013 prohibiting the establishment, permitting, licensing and operating, cultivation, production, and retail sales of marijuana and marijuana derivatives within the City of Lake Stevens, as the City does not have adequate regulations in place to govern marijuana facilities, land use permitting and licensing. A public hearing on the moratorium was held and no public comment was received. The Council upheld the moratorium and directed staff to create a work plan to establish regulations for marijuana

facilities. The process to establish permanent zoning regulations will require Planning Commission review, public hearing, and a recommendation to City Council. The final regulations will need to mirror state regulations and address federal enforcement priorities.

Planner Watkins proceeded to cover the work plan highlighting critical completion dates. Staff will endeavor to have permanent regulations in place by February 21, 2014, the date the current moratorium expires. If staff needs additional time to complete the work program and adopt permanent regulations, it may extend the moratorium subject to public notice and public hearing.

The Planning Commissioners had several questions for staff:

- Commissioner Davis asked about the progress other cities have made towards adopting permanent regulations. Senior Planner Wright responded that Mukilteo, Everett and Snohomish County are further along in the process, and staff may be able to use their regulations as models. Planner Wright thought that most cities will stick close to the regulations as set forth by the state.
- Commissioner Matlack asked if we have to allow a retail establishment, Planner Watkins responded that yes we do have to allow one retail establishment.
- Commissioner Barnett asked if there will be regulations controlling where on a property the marijuana is grown. Planner Watkins responded that usually it is grown in greenhouses, which are only allowed in certain zones. Planner Wright stated that the state might allow outside grow areas, but the city does not have any agricultural zones that would allow outdoor grow areas.
- Commissioner Barnett asked if there would be any permitting for the production or processing facilities. Planner Wright responded that they would have to get a business license just like any other business, and there will also be a permitting process through the state that these facilities will have to follow.
- Commissioner Davis and Commissioner Matlack asked specific questions about the location and size of the retail establishment. Planner Watkins responded the state has regulations regarding the size of the retail establishment, Planner Wright responded that there will be several factors affecting placement of a retail establishment, such as proximity to schools and playgrounds. Staff will develop a map showing possible locations for marijuana production, processing and retail facilities and have this available for the November meeting.
- Vice-Chair Petershagen asked if the city could impose a tax surcharge, or use tax on marijuana to cover the impact to the local community. Planner Wright responded that the state has imposed taxes at the production, processing and retail stages. Planner Wright believes the only tax revenue for the city would be the cities' portion of sales tax, just like any other business.

2013 Comprehensive Plan Park Plan Element Update – Senior Planner Russ Wright

Senior Planner Wright began the presentation by explaining the purpose behind the Park Plan update. By performing this update, the city will ensure that the Park Plan continues to address the recreational needs of the community and contains all of the elements recommended by the Recreation & Conservation Office (RCO), which enables the city to compete for grant funding for parks and recreation projects. The current level of service looks strictly at population, with 7.5 acres of parkland per 1,000 people. The city's

current model does not distinguish types of parks and the different functions provided. The Park Board has recommended a level of service that focuses on access to facilities and the quality of facilities and amenities available. Planner Wright discussed preliminary survey results, briefly covering each of the questions. One of the goals of the city, which was also evident in the survey results, is improving the amenities at the city's existing parks, and identifying new parkland in recently annexed areas of southern Lake Stevens. Staff will also look at ways to ensure continued park maintenance at our existing parks. The new park plan promotes trails and sidewalks, and open space, which were all park types strongly supported in the survey results. The school district has an indoor pool that they open at certain times to the public. Commissioner Matlack asked about the relationship between the city and the school district regarding the pool, and if the city contributes financially to the pool. Planner Wright responded he was not sure if the city financially supports the pool.

The revised goals and policies were reviewed next. This section of code has been revised and organized around common themes and redundancies removed. In addition, the revisions will reflect community preferences from the survey results. The city held two open houses, at different venues, to reach different city residents. There were several stakeholder groups represented at the last open house. The Park Plan update will be moving in concert with this year's docket, with implementation and capital facility review possibly deferred until next year.

The Planning Commissioners had comments/questions for staff:

- Commissioner Thurber commented that at times she has been appalled at the condition of some of our parks.
- Vice-Chair Petershagen asked if maintenance of parks falls under the Public Works department. Planner Wright responded that yes it does.
- Commissioner Davis asked about plans for development of Cavalero Park. Planner Wright responded that the County does have a master plan for this park. Mr. Wright stated the city and county would be coordinating to update the master plan.
- Vice-Chair Petershagen asked about who is responsible for maintenance at the city boat launch. Planner Wright responded he thought there is a joint agreement with Department of Fish & Wildlife. Mr. Petershagen mentioned the condition of the boat launch and other parks around the city. He believes the city needs to work toward having all parks under its control and maintained by the city. Planner Wright responded that creating interlocal agreements with other jurisdictions is part of the revised goals and policies, which will enable the city to define what various agencies will maintain.

Commissioner Reports:

Commissioner Matlack mentioned he went to a sewer utility meeting. Tonya Christofferson is the new director and Pam Stevens is a new commissioner. Progress is being made to combine the sewer district with the city. Mr. Matlack also mentioned the article in the paper regarding a skate park. Commissioner Barnett also saw the article and asked where is the land that, according to the article, has already been set aside for a skate park. Planner Wright responded that the city does not have any land set aside for this use, but the Rotary Club is working on this issue. Commissioner Barnett

mentioned the importance of having a walkway around the lake; Commissioner Thurber agreed, as well as finding a location for a skate park.

Planning Director's Report:

Principal Planner Watkins briefed commissioners on current planning events. The city held a business recruitment luncheon at the Washington Athletic Club in Seattle. It went very well, with a number of developers in attendance.

The 2015 Comp Plan update is under way. This will be a major update that will need to be completed by June 2015. Staff will be sharing a work plan with the commissioners in the next few months, and the commissioners will be very involved with the update. .

The update for Alliance for Housing Affordability is that all of the interlocal agreements have been signed except for City of Everett, which will be signed this week. The Alliance is planning to hire a staff person and is putting together a hiring committee. Planner Wright informed commissioners that the Snohomish County Planning Advisory Committee recently completed a housing analysis report that covers growth targets and how to implement countywide housing policies. This report tackles affordable housing and housing in general and will be a great help in setting housing goals.

The update on development is that staff is very busy. We currently have several housing plats in various stages of completion. Commissioner Davis asked about the increase in residential development and if commercial development will follow. Principal Planner Watkins responded that it is typical to see residential development proceed commercial, as the growth in residential will attract the commercial. Vice-Chair Petershagen asked if any reports showing this growth would be online. Principal Planner Watkins responded there is a portion of the permitting program that can be online, but the city has not taken the necessary steps at this time to put this information on the website. Staff is working on what the report will look like before it is made public. Planner Wright indicated staff does maintain a spreadsheet on the city's website detailing major development projects. Commissioner Thurber asked about the city's land use signs, and the size of the sign. Principal Planner Watkins responded that the intent of the signs is to prompt a phone call to the city, not meant for traffic to be able to read the signs as they drive by. The next Planning Commission meeting will be November 6th.

Adjourn. Commissioner Davis motioned to adjourn at 7:50 p.m., Commissioner Barnet second, motion passed. 5-0-0-2.



Gary Petershagen, Vice-Chair



Georgine Rosson, Planning/Public
Works Coordinator